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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,636	07/03/2001	Richard C. Notargiacomo	83036F-P	9660

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Milton S. Sales
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 07/02/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,636

Applicant(s)

NOTARGIACOMO ET AL.

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 28-33 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 28-33 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 April 2004 has been entered. Claims 1-12, 28-33, 35 and 36 remain pending for examination.

Response to Arguments

2. Applicant's arguments filed 27 April 2004 have been fully considered but, have been found persuasive to the extent that the prior art of record does not specifically disclose "providing an information card that includes information that can be used for allowing direct access to only one of said unique addresses for the user of said card". However, Chiles discloses such limitations.

MPEP 2111 Claim Interpretation; Broadest Reasonable Interpretation

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held

that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Claim Objections

3. Claim 37 is objected to because of the following informalities: improper dependency. Appropriate correction is required.

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 28-33 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,340,978 issued to Mindrum ("hereinafter Mindrum") in view of U.S. Patent No. 6,363,423 issued to Chiles ("hereinafter Chiles").

As per claim 1, Mindrum discloses “a method for capturing and distributing memories of a deceased individual” as the information about the deceased individual stored therein, (see figure 2, col. 5, lines 31-34), comprising the steps of:

“providing an electronic storage memory database that can be accessed over a communication network” as the information is stored in a central database, in which information about the individual can be accessible through any kind of remote computer link over the Internet, and can be accessed and used, (see col. 5, lines 61-63), “for displaying at least two web pages for said deceased individual” as the continue button 245 allows the user to page through multiple medical recordations (see col. 17, lines 45-47), “said web pages each having a unique address for accessing information with respect to said deceased individual and providing restrictive access” as a means for attempting to access enters the internet and finds the central office web site, which the person attempting access will typically be required to sign on and enter name and passwords, (see col. 12, line 64 to col. 13, lines 5). Mindrum does not explicitly disclose steps of providing an information card that includes information that can be used for allowing direct access to only one of said unique addresses for the user of said card. However, Chiles discloses a network interface card that requires media access control is assigned a unique address, (see Chiles col. 5, line 67 to col. 8, line 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combined teachings of Mindrum and Chiles with providing an information card that includes information that can be used for allowing direct access to only one of said unique addresses for the user of said card. Such modification would allow the teachings of Mindrum and Chiles to provide a network

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adapter card in computer system to include a media access control address, (see col. 3, lines 38-39).

As per claims 2, 3 and 4, the limitations of claims 2, 3 and 4 are rejected in the analysis of claim 1, and these claims are rejected on that basis.

As per claim 5, in addition to claim 1, Mindrum further discloses “information is provided to users when the deceased individual is being presented for viewing”, (see figure 5, col. 5, lines 5-10).

As per claims 6 and 35, Mindrum discloses the claimed subject matter except the claimed wherein said information comprises an information card that sets forth electronic address of at least one said web sites. However, Chiles discloses a network interface card that requires media access control is assigned a unique address, (see Chiles col. 5, line 67 to col. 8, line 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combined teachings of Mindrum and Chiles with wherein said information comprises an information card that sets forth electronic address of at least one said web sites. Such modification would allow the teachings of Mindrum and Chiles to provide a network adapter card in computer system to include a media access control address, (see col. 3, lines 38-39).

As per claim 7, Mindrum discloses “wherein said web site includes a template which setting forth the manner and structure of the web sites”, (see col. 12-13, lines 64-5).

As per claim 8, Mindrum discloses “wherein said web page is hosted by a business establishment having a plurality of such web sites for a plurality of different deceased individuals” as the continue button 245 allows the user to page through multiple medical recordations, (see col. 17, lines 45-47).

As per claim 9, Mindrum discloses “wherein said web page provides may any one of the following: text, image, or sound”, (see col. 11, lines 48-61).

As per claim 10, Mindrum discloses “wherein said web sites provides multi-media information”, (see col. 11, lines 48-61).

As per claim 11, Mindrum discloses “wherein one of said web sites is a public site and wherein at least one other of said sites comprises a private web page” as the information would be secured with two levels including confidential information accessible for family use only and public information accessible to anyone, (see cols. 5-6, lines 65-1).

As per claim 12, Mindrum discloses “a method for capturing and distributing memories of a deceased individual” as the information about the deceased individual stored therein, (see figure 2, col. 5, lines 31-34), comprising the steps of:

“providing an electronic storage memory database for displaying a web site of said deceased individual that can be accessed over a communication network ” as the information is

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stored in a central database, in which information about the individual can be accessible through any kind of remote computer link over the Internet, and can be accessed and used, (see col. 5, lines 61-63), as the continue button allows the user to page through multiple medical recordations (see col. 17, lines 45-47), "said web site each having a unique address" as a means for attempting to access enters the internet and finds the central office web site, which the person attempting access will typically be required to sign on and enter name and passwords, (see col. 12, line 64 to col. 13, lines 5). Mindrum does not explicitly disclose steps of providing an access card wherein the unique address of said web site is provided thereon that allows direct access to said web site. However, Chiles discloses a network interface card that requires media access control is assigned a unique address, (see Chiles col. 5, line 67 to col. 8, line 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combined teachings of Mindrum and Chiles with providing an access card wherein the unique address of said web site is provided thereon that allows direct access to said web site. Such modification would allow the teachings of Mindrum and Chiles to provide a network adapter card in computer system to include a media access control address, (see col. 3, lines 38-39).

As per claim 28, Mindrum discloses "a system for capturing and distributing memories of a deceased individual" as the information about the deceased individual stored therein, (see figure 2, col. 5, lines 31-34), comprising the steps of:

"an electronic storage memory database for displaying a web site of said deceased individual that can be accessed over a communication network " as the information is stored in a

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central database, in which information about the individual can be accessible through any kind of remote computer link over the Internet, and can be accessed and used, (see col. 5, lines 61-63), as the continue button allows the user to page through multiple medical recordations (see col. 17, lines 45-47), "a web site having a unique address" as a means for attempting to access enters the internet and finds the central office web site, which the person attempting access will typically be required to sign on and enter name and passwords, (see col. 12, line 64 to col. 13, lines 5).

Mindrum does not explicitly disclose steps of an access card providing said unique address for said web site. However, Chiles discloses a network interface card that requires media access control is assigned a unique address, (see Chiles col. 5, line 67 to col. 8, line 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combined teachings of Mindrum and Chiles with an access card providing said unique address for said web site. Such modification would allow the teachings of Mindrum and Chiles to provide a network adapter card in computer system to include a media access control address, (see col. 3, lines 38-39).

As per claim 29, Mindrum discloses "a method further comprising a remote communication device for communication with said electronic storage memory data base over said communication network" as the information is stored in a central database 50, information about the individual can be accessible through any kind of remote computer link such as over the Internet, and can be accessed and used, (see col. 5, lines 61-63).

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As per claim 30, the limitations of claim 30 are rejected in the analysis of claim 29, and this claim is rejected on that basis.

As per claim 31, the limitations of claim 31 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

As per claim 32, Mindrum discloses “wherein said electronic database is accessed by a Kiosk”, (see col. 14, lines 41-44).

As per claim 33, Mindrum discloses the claimed subject matter except the claimed wherein said Kiosk includes a reader for reading information from access card for allowing direct access to said access to said unique address at said electronic storage memory database. However, Chiles discloses a network interface card that requires media access control is assigned a unique address, (see Chiles col. 5, line 67 to col. 8, line 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combined teachings of Mindrum and Chiles with access card for allowing direct access. Such modification would allow the teachings of Mindrum and Chiles to improve the reliability of the method and system for capturing memories of deceased individual, and to provide a network adapter card in computer system to include a media access control address, (see col. 3, lines 38-39).

As per claim 36, in addition to claim 1, Mindrum does not explicitly disclose step of providing a gatekeeper for having editorial control over entry of said data by said related

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individual. However, Chiles discloses a network interface card that requires media access control is assigned a unique address, (see Chiles col. 5, line 67 to col. 8, line 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combined teachings of Mindrum and Chiles with providing a gatekeeper for having editorial control over entry of said data by said related individual. Such modification would allow the teachings of Mindrum and Chiles to provide a network adapter card in computer system to include a media access control address, (see col. 3, lines 38-39).

As per claim 37, Mindrum discloses “wherein said means for ordering goods and/or services comprises a link to a third party site that can provide said goods and/or services”, (see col. 8, lines 22-24).

Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,581,059 issued to Barrett et al.

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CONTACT INFORMATION


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Fleurantin whose telephone number is 703-308-6718. The examiner can normally be reached on 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John B Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean Bolte Fleurantin

June 22, 2004


SHAHID ALAM
PRIMARY EXAMINER